

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06cv235**

**DANIELLE HATTEN, as a minor child
by and through her Guardian ad Litem,
P. MICHELLE RIPPON; and
GREGORY ALLEN HATTEN,**

Plaintiffs,

Vs.

**RODGER J. MORGAN;
TRANSYLVANIA COUNTY DSS;
LOUISE KOONTZ; DOTTIE HARRIS;
and CARSON GRIFFIN,**

Defendants.

ORDER

THIS MATTER is before the court on the court's own Motion to Appoint a Substitute Guardian Ad Litem. After conducting a hearing and determining that a conflict of interest may exist where the guardian *ad litem* is also a plaintiff, the court searched for a suitable replacement for the guardian appointed by the state court. On Monday, July 16, 2007, the court contacted P. Michelle Rippon, Esq., a member of the Bar of this court who is experienced in federal litigation as well as advocacy for minors, who agreed to act as guardian *ad litem* for the minor plaintiff herein. The court specifically finds that Ms. Rippon is a suitable person based on her age, discretion, training, and experience, to act as a guardian *ad litem* in this matter and will so appoint her. Plaintiffs are jointly and separately responsible for payment of Ms. Rippon's reasonable fees and any expenses, and plaintiffs shall deposit \$2000.00 into counsel for plaintiffs' trust account for such purpose. This deposit is to be made

within 14 days of the entry of this Order.

ORDER

IT IS, THEREFORE, ORDERED that

- (1) P. Michelle Rippon is **APPOINTED** as guardian *ad litem* to represent the legal interests of the minor plaintiff in this matter;
- (2) Gregory Allen Hatten is **RELIEVED**, with the court's appreciation, from further representation of the minor plaintiff's legal interests in this matter;
- (3) the Department of Social Services in whose custody the minor plaintiff has been entrusted shall transport the minor plaintiff to and from the office of P. Michelle Rippon, 11 N. Market St., Asheville, N.C., for the purpose of an office visit and interview with Ms. Rippon on August 13, 2007, at 10 a.m.; and
- (4) plaintiffs shall pay into the trust account of counsel for plaintiff the sum of \$2000.00 as soon as possible to cover any reasonable fees and costs of Ms. Rippon. This payment is to be made on or before 14 days from the entry of this Order. The attorney for the plaintiff is to report to the court the payment of this deposit on the 15th day after the entry of this Order.

Signed: July 16, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

